IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 152/2006

KUDIARAM & ORS. Vs. STATE OF RAJASTHAN & ANR.

DATE: 01.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashok Gaur for the accused-petitioners.
Mr. B.K. Sharma, Public Prosecutor for the State.
Mr. S.S. Mehla for the complainant-respondent.

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The present criminal revision petition under Sections 397 and 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 30.05.2005 passed by the Additional Sessions Judge No.2, Kishangarhbas, District Alwar in Sessions Case No. 6/2004, whereby charges for the offence under Sections 148, 341, 323 and 307/149 IPC have been framed against the accused-petitioners.

Learned counsel for the accused-petitioners submits that no case under Section 307 IPC is made out against the petitioners and he also referred the injury report of Munia Devi, though Munia Devi received injuries on the vital parts of the body but all the injuries are simple in nature, therefore, offence under

Section 307 IPC is not made out against the petitioners.

It is further submitted that vide impugned order dated 30.05.2005 while framing charge it was not stated specifically against whom case under Section 307 IPC is made out. In support of his submissions the learned counsel for the petitioners placed reliance on the judgment rendered by this Court in the case of **Machhendra Singh Vs. State of Rajasthan, reported in 2006(1) R.C.C. 462,** wherein it has been observed by the co-ordinate Bench of this Court that no firearm used in the instant case, though available- Injuries only on non-vital parts with blunt weapons- Offence under Section 307 IPC ruled out.

I have heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State as well as learned counsel for the complainant and have also gone through the impugned order dated 30.05.2005 as also the judgments referred by the learned counsel for the petitioners. I have also gone through the record of the case and the injury reports as well.

The case referred by the learned counsel for the accused-petitioners is distinguish as in that case injuries were on non-vital parts whereas in the instant

case Munia Devi received injuries on vital parts and deadly weapons are used. This is not the stage to discuss each and every aspect at the time of framing charge as at the time of framing charge it is sufficient to find out whether prima-facie case is made out against the accused or not, and the Court below looking to the facts and circumstances of the case as well as the injury reports has observed that prima-facie case is made out against the accused-petitioners for the offence under Sections 148, 341, 323 and 307/149 IPC.

I find no illegality or error in the impugned order dated 30.05.2005 passed by the Additional Sessions Judge No.2, Kishangarhbas, Alwar and no interference whatsoever is required at this stage.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

/KKC/